

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, SEPTEMBER 22, 2014**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:03 p.m. on Monday, September 22, 2014, with Councillor Lewis presiding.

Councillor Hickman led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Adamson, Barth, Cain, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley
1 ABSENT: Evans

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Moriarty Adams recognized Molly Dewberry, new executive director of the Greater Indianapolis Progress Committee. Councillor Sandlin recognized Boy Scout Ken Craft. Councillor Lutz recognized Mario Rodriguez, Joe Harris and Joe Thompson from the Airport and Mike Carey with IndyGo. Councillor Oliver recognized Denise Rodman from Clean Air Indy. Councillor Holliday recognized Pat Andrews from the Decatur Township Civic League. Councillor Adamson recognized Cathy Burton, Marion County Alliance of Neighborhood Associations. Councillor Pfisterer recognized Becky Dixon from the Indianapolis-Marion County Public Library. Councillor Gray recognized community activist Jocelyn Tandy.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, September 22, 2014, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Maggie Lewis
President, City-County Council

September 9, 2014

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Wednesday, September 10, 2014 a copy of a Notice of Public Hearing on Proposal No. 268, 2014, said hearing to be held on Monday, September 22, 2014, at 7:00 p.m. in the City-County Building.

Respectfully,
s/NaTrina DeBow
Clerk of the City-County Council

September 17, 2014

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, NaTrina DeBow, the following ordinances:

FISCAL ORDINANCE NO. 36, 2014 – approves an additional appropriation of \$670,000 in the 2014 Budget of the Department of Metropolitan Development (Federal Grants Fund) for the removal of blighted properties

FISCAL ORDINANCE NO. 37, 2014 – approves an additional appropriation of \$95,000 in the 2014 Budget of the Marion County Community Corrections (County General and County Cumulative Capital Funds) to fund four additional customer service managers' salaries, benefits and other associated costs and two vehicles for home visits

FISCAL ORDINANCE NO. 38, 2014 – approves a transfer of \$350,000 in the 2014 Budget of the Department of Metropolitan Development (Community Development Block Grants Fund) for construction of the track and field at Central State

GENERAL ORDINANCE NO. 35, 2014 – amends the Code to remove the sunset provision related to the excise surtax and wheel tax contained therein to provide revenue for financing of IndyRoads Revenue Bonds

GENERAL RESOLUTION NO. 14, 2014 – approves the statement of benefits of Becknell Industrial, LLC, an applicant for tax abatement for property located in an economic revitalization area

GENERAL RESOLUTION NO. 16, 2014 – approves the execution of an amendment to add the Roth option to the deferred compensation plan of the City of Indianapolis and Marion County for its sworn firefighters

SPECIAL RESOLUTION NO. 50, 2014 – recognizes the Zore Towing Company

SPECIAL RESOLUTION NO. 51, 2014 – proposes an ordinance of the Marion County Income Tax Council to increase the income tax rate for public safety, effective January 1, 2015, and to cast the vote of the City-County Council on such ordinance

s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

Councillor Hunter moved, seconded by Councillor Freeman, to include Proposal No. 268, 2014 under “Special Orders–Public Hearing” this evening. The proposal, sponsored by Councillors Pfisterer, Lutz, Hunter, Gooden, McQuillen, Evans, Freeman, Miller, Sandlin and Shreve, proposes an ordinance of the Marion County Income Tax Council to rescind the local homestead credit beginning in calendar year 2015, and casts the vote of the Council on such ordinance.

Councillor Hunter said that the agenda as published and before the Council this evening is in violation of Sec. 151-76 and 151-77 of the Revised Code of the Consolidated City and County, which requires the Council to hold a public hearing regardless of committee action. He said that the Council Clerk just read the official communication of notice of public hearing for Proposal No. 268, 2014, and therefore, to comply with Council rules, the item should be under “Special Orders–Public Hearing” for consideration this evening.

President Lewis asked General Counsel Fred Biesecker to speak to the motion on the floor. Mr. Biesecker said that for the past few years, several items have been advertised for public hearing and then not appeared on the Council agenda. He said that in order to meet the 10-day requirement for public notification, proposals often have to be advertised before the agendas for Committees have been set, or before the Committee actually hears the proposal. Proper notification does not mean that the proposal goes on the Council agenda regardless of what the Committee does. He said that Proposal No. 212, 213 and 287, 2012, Proposal No. 274, 2013, and Proposal Nos. 90, 162 and 211, 2014 are some of the proposals that have been advertised for public hearing and then delayed in Committee without a recommendation, and therefore not placed on the Council agenda. He said that there is a lengthy precedent for this action, and therefore, Councillor Hunter’s motion is out of order. He stated that Councillor Hunter can move to “advance” the proposal to the agenda for action as per Sec. 151-76, but the order of the agenda is not in violation of the Council Rules.

Councillor Hunter stated that his motion was to place Proposal No. 268, 2014 on the agenda under “Special Orders-Public Hearing” for action this evening, which is in essence “advancing” it to the agenda for action. He said that he would so move. Councillor Freeman seconded the motion.

The motion to advance Proposal No. 268, 2014 on the agenda under “Special Orders-Public Hearing” failed on the following roll call vote; viz:

12 YEAS: Cain, Freeman, Gooden, Holliday, Hunter, Lutz, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Shreve

16 NAYS: Adamson, Barth, Gray, Hickman, Jackson, Lewis, Mahern, Mansfield, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Scales, Simpson, Talley

1 ABSENT: Evans

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of September 8, 2014. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 288, 2014. The proposal, sponsored by Councillors Lewis, Hickman, Moriarty Adams and Mansfield, recognizes Coach Lin Dunn of the Indiana Fever for her many contributions to women's basketball. Councillors Hickman, Moriarty Adams and Mansfield read the proposal and presented Coach Dunn with a copy of the document and Council pin. Coach Dunn thanked the Council for the recognition. Councillor Hickman moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 288, 2014 was adopted by a unanimous voice vote.

Proposal No. 288, 2014 was retitled SPECIAL RESOLUTION NO. 52, 2014, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 52, 2014

A SPECIAL RESOLUTION recognizing Coach Lin Dunn of the Indiana Fever for her lifetime achievements.

WHEREAS, Lin Dunn is regarded as one of the most successful women's basketball coaches in history. As the team's fourth head coach, the team has won the most games under Coach Dunn's leadership, having a seven-year record of 135-103; and

WHEREAS, Coach Dunn has led the Fever to four trips to the conference finals and two appearances in the Women's National Basketball Association (WNBA) Finals. She ranks seventh in regular season coaching wins in WNBA history and third in postseason victories, including three years as head coach of the Seattle Storm; and

WHEREAS, before joining the Fever, Coach Dunn served as the first head coach and general manager of the Seattle Storm. She is credited with building the Storm by drafting eventual league Most Valuable Player (MVP), Lauren Jackson, and 2002 National Collegiate Athletic Association (NCAA) Player of the Year, Sue Bird; and

WHEREAS, some of Coach Dunn's accomplishments include guiding the Purdue University women's basketball team for nine seasons from 1988 to 1996, collecting three Big Ten conference titles; and leading the team to seven NCAA Tournaments, four Sweet Sixteen appearances and a trip to the Final Four in 1994; and

WHEREAS, she has served on the gold medal-winning World Championship and Goodwill Games teams in 1990 and the USA Basketball staff for the 1992 Olympics. She was head coach of the 1995 bronze medal-winning USA Jones Cup team, and served eight years on the USA Basketball Team selection committee.

WHEREAS, Coach Dunn was inducted into the Tennessee Sports Hall of Fame and the Indiana Basketball Hall of Fame in 2010, the athletics hall of fame at her alma mater, the University of Tennessee-Martin, in October of 2010; and was named to the Purdue Athletics Hall of Fame in April of 2012; and

WHEREAS, with the 2012 WNBA championship being one of the finest accomplishments in Coach Dunn's distinguished 44-year career, she was inducted into the Women's Basketball Hall of Fame in June of 2014; and

WHEREAS, after a lifestyle of wonderful accomplishment, Coach Dunn ended the 2014 season with 683 college and pro wins, including the WNBA postseason, and has coached 1,156 games during 38 seasons as head coach; and

WHEREAS, on May 6, 2014, Coach Dunn announced her plan to retire from coaching at the end of 2014; now, therefore:

September 22, 2014

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Coach Lin Dunn of the Indiana Fever for her many contributions to women's basketball.

SECTION 2. The Council congratulates Coach Dunn on five decades of coaching at the highest levels and wishes her a relaxing retirement.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14

PROPOSAL NO. 290, 2014. Councillor Barth reported that the Rules and Public Policy Committee heard a presentation regarding Proposal No. 290, 2014 on September 18, 2014. The proposal, sponsored by Councillors Barth and Lewis, reviews the 2015 tax rates, tax levies and budgets of certain civil taxing units and adopts recommendations with respect to such tax rates, levies and budgets. By an 8-0 vote, the Committee reported the review to the Council with the recommendation that it do pass.

Councillor Lutz said that he would like to abstain from the portion of the recommendation for Wayne Township but is in support of the rest of the proposal.

Councillor Barth moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 290, 2014 was adopted on the following roll call vote; viz:

26 YEAS: Adamson, Barth, Cain, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson
0 NAYS:
2 NOT VOTING: Lutz, Talley
1 ABSENT: Evans

Proposal No. 290, 2014 was retitled SPECIAL RESOLUTION NO. 53, 2014, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 2014

A PROPOSAL FOR A SPECIAL RESOLUTION reviewing the 2015 tax rates, tax levies and budgets of certain civil taxing units and adopting recommendations with respect to such tax rates, levies and budgets.

WHEREAS, IC 6-1.1-17-3.5 requires the City-County Council to review and make recommendations with respect to certain tax rates, tax levies and budgets of certain civil taxing units located in Marion County; and

WHEREAS, the City-County Council has now considered such tax rates, tax levies and budgets for 2015 of such civil taxing units and has considered the recommendations of the City Controller and Chief Financial Officer of the council; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The city-county council has reviewed the budgets of the several civil taxing units listed on Exhibit A, attached to this resolution, and does adopt the recommendations with respect to each respective civil taxing unit as set forth in Exhibit A.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 269, 2014. Councillor Mansfield reported that the Administration and Finance Committee heard Proposal No. 269, 2014 on September 9, 2014. The proposal, sponsored by Councillor McQuillen, approves the Mayor's appointment of Adam W. Collins as Deputy Mayor for Economic Development. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mansfield moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 269, 2014 was adopted on the following roll call vote; viz:

27 YEAS: Adamson, Barth, Cain, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Talley
1 NAY: Simpson
1 ABSENT: Evans

Proposal No. 269, 2014 was retitled COUNCIL RESOLUTION NO. 79, 2014, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 79, 2014

A COUNCIL RESOLUTION approving the Mayor's appointment of Adam W. Collins as Deputy Mayor for Economic Development for a one year term and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of Deputy Mayor is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Adam W. Collins to serve as Deputy Mayor for Economic Development at his pleasure for a one year term and until a successor is appointed and confirmed; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Adam W. Collins is approved and confirmed by the City-County Council to serve as Deputy Mayor for Economic Development for a one year term and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC § 36-3-4-14.

PROPOSAL NO. 254, 2014. Councillor Barth reported that the Rules and Public Policy Committee heard Proposal No. 254, 2014 on September 18, 2014. The proposal, sponsored by Councillors Mansfield, Adamson, Barth and Mahern, urges the General Assembly to require that all local unit agreements to pay a contractor's property taxes go through the statutory abatement process. By a 6-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Freeman said that any proposal that begins with the words "urging the General Assembly" is a bad idea. He said that the Council has no power or authority to tell the Legislature how to do anything. If they want something changed, he would urge Councillors to call their State Legislator like any other rational citizen would do. He said that the impetus for this proposal seems to be the Covanta contract, and that no public comment was allowed, however, there was documented public comment on this in July. He said that he is befuddled by this Council leadership and when they decide that public comment is warranted, and when it is not. He said that the Council attorney just ruled in favor of violating Council rules earlier this evening based on it being the "practice" of this Council to do things that way. The counsel to the Council arbitrarily goes against the law, and this is frustrating and concerns him greatly.

Councillor Barth said that he did reach out to General Assembly members, and they stated that they could take a resolution from the Council as a planning tool to reflect the Council's voice on this matter. He said that the public comment that took place was prior to the release of the contract, and it was scheduled purposefully as to not let the details of the contract be known.

Councillor Lutz said that he did not have enough information available to him in committee to make an informed vote. He said that Councillor Barth made several statements and he asked for a postponement to look into the matter further so that he could cast an educated vote. He said that the committee, however, did not allow that action and seemed to be pushing it for introduction at the Opening Day of the General Assembly. He said that he still does not have the information he needs that was promised to him by Councillor Barth.

Councillor Mahern said that he heartily supports the proposal, as he has always been outspoken about abatements, and granting an abatement without proper public comment, or not calling it an abatement needs to be brought to light.

Councillor Mansfield said that the egregious terms of the contract were not disclosed prior to the public testimony, and instead it was presented as a simple amendment to an existing contract. However, it went well beyond a simple amendment and resulted in lawsuits, preventing the progress of clean recycling going forward. She said that this contract has taken this City backwards instead of forward, and to have public comment without the facts being known is a disservice to society.

Councillor Hunter asked Councillor Barth to copy him on the follow-through with Councillor Lutz. He said that he may be able to get behind it when that information is forthcoming, but this proposal is poorly written and there is not sufficient information for him to support it. He said that he does support curbside recycling, but would like more information.

Councillor Scales said that it is important this body be careful and judicious in their use of Council Resolutions, but this is one she can heartily endorse and support.

Councillor Miller said that he is in favor of public comment in general on most things, but he has not had time to vet this particular issue thoroughly. He said that he worked closely with members of the General Assembly on the landlord proposal, and while it took much more time to do it right and allow for public input, he generally agrees that public comment is important.

President Lewis said that as much as she appreciates the opinions of other attorneys in the room, there is only one Counsel to the Council, and that is the ruling that is recognized on the Council floor.

Councillor Barth moved, seconded by Councillor Mansfield, for adoption. Proposal No. 254, 2014 was adopted on the following roll call vote; viz:

16 YEAS: Adamson, Barth, Gray, Hickman, Jackson, Lewis, Mahern, Mansfield, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Scales, Simpson, Talley
12 NAYS: Cain, Freeman, Gooden, Holliday, Hunter, Lutz, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Shreve
1 ABSENT: Evans

Proposal No. 254, 2014 was retitled COUNCIL RESOLUTION NO. 80, 2014, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 80, 2014

A COUNCIL RESOLUTION urging the General Assembly to require that all local unit agreements to pay a contractor's property taxes go through the statutory abatement process.

WHEREAS, the recently approved amendment to the agreement between the City and Covanta Indianapolis, Inc. (Covanta) provides that the City will pay up to 70% of Covanta's real and personal property taxes on the proposed new Advanced Materials Recovery Center (ARC) and ARC site, subject to certain annual caps and an aggregate cap of \$4,000,000; and

WHEREAS, the practical effect of that provision is that Covanta will receive a property tax abatement of 70%, up to the \$4 million cap, without having to satisfy the requirements of the abatement statute, I.C. 6-1.1-12.1, which include (in this instance) approval by both the Metropolitan Development Commission and the City-County Council; and

WHEREAS, the executive branch should not have the unilateral authority to decide to pay someone's property taxes for them, without the safeguards contained in I.C. 6-1.1-12.1, as that increases the burden on all other property taxpayers; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The City-County Council urges the 2015 Indiana General Assembly to amend state law to require that all local unit agreements to pay a contractor's property taxes go through the statutory abatement process.

SECTION 2. The Clerk of the Council is directed to distribute copies of this resolution to the Governor of the State of Indiana and the members of the Indiana General Assembly.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 289, 2014. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which thanks Indianapolis Power and Light Company for committing to a plan to stop burning coal in Marion County by 2016 and reducing toxic emissions at the Harding Street plant and encouraging investment in greater amounts of clean, renewable energy"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 291, 2014. Introduced by Councillor Robinson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to add certain protections for the homeless"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 292-296, 2014. Introduced by Councillor Robinson. Proposal Nos. 292-296, 2014 are proposals for Rezoning Ordinances certified for approval by the Metropolitan Development Commission on September 11, 2014. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 66-70, 2014, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 66, 2014.

2014-ZON-023

444 and 460 Virginia Avenue, 416, 422, 428 South Park Avenue

CENTER TOWNSHIP, CD # 19

TCT One, by Craig Von Deylen request Rezoning of 1.21 acres, from the C-3-C and I-4-U zoning districts, to the CBD-S zoning district classification to provide for construction of a mixed-use residential/commercial development.

REZONING ORDINANCE NO. 67, 2014.

2014-ZON-033

8030 South Arlington Avenue (Approximate Addresses)

FRANKLIN TOWNSHIP, CD # 25

SCI Arlington LLC, by Michael Rabinowitch request Rezoning of 0.2 acre, from the D-6 district to the C-3 classification to provide for commercial uses.

REZONING ORDINANCE NO. 68, 2014.

2014-ZON-039

1617, 1621, and 1625 North Alabama Street

CENTER TOWNSHIP, CD # 9

The Redevelopment Group, Inc. request Rezoning from C-4 to D-8

REZONING ORDINANCE NO. 69, 2014.

2014-ZON-040

8062 and 8070 Castleton Road

FRANKLIN TOWNSHIP, CD # 25

Sapp Family, LLC., by Jim Sapp request Rezoning of 0.47 acre from the C-4 District to the C-7 classification to provide for heavy commercial uses.

REZONING ORDINANCE NO. 70, 2014.

2014-CZN-818

5051 Bradbury Avenue

WAYNE TOWNSHIP, CD # 16

John Allen Leslie Revocable Living Trust, by Russell L. Brown request Rezoning of 2.4 acres from the C-5 district to the C-7 classification to provide for a self-storage facility, with outdoor storage of recreational vehicles.

**SPECIAL ORDERS - PUBLIC HEARING
COMMITTEE OF THE WHOLE COUNCIL
PUBLIC TESTIMONY – BUDGET ORDINANCES**

The President asked the Clerk to read those budget proposals for which public testimony will be accepted this evening. The Clerk stated that public testimony will be accepted on the following: PROPOSAL NO. 255, 2014 - approves the tax levy and rate for the Police Special Service District for 2015. PROPOSAL NO. 256, 2014 - approves the tax levy and rate for the Fire Special Service District for 2015. PROPOSAL NO. 257, 2014 - approves the tax levy and rate for the Solid Waste Collection Special Service District for 2015. PROPOSAL NO. 258, 2014 - adopts the annual budget for the City of Indianapolis and Marion County for 2015. PROPOSAL NO. 277, 2014 - adopts the operating and maintenance budgets and tax levies of the Indianapolis Airport Authority, establishing the appropriations for the purpose of defraying the expenses and all outstanding claims and obligations of said municipal corporation for 2015. PROPOSAL NO. 278, 2014 - adopts the operating and maintenance budgets and tax levies of the Capital Improvement Board of Managers, establishing the appropriations for the purpose of defraying the expenses and all outstanding claims and obligations of said municipal corporation for 2015. PROPOSAL NO. 279, 2014 - adopts the operating and maintenance budgets and tax levies of the Health and Hospital Corporation of Marion County, establishing the appropriations for the purpose of defraying the expenses and all outstanding claims and obligations of said municipal corporation for 2015. PROPOSAL NO. 280, 2014 - adopts the operating and maintenance

budgets and tax levies of the Indianapolis-Marion County Public Library Board, establishing the appropriations for the purpose of defraying the expenses and all outstanding claims and obligations of said municipal corporation for 2015. PROPOSAL NO. 281, 2014 - adopts the operating and maintenance budgets and tax levies of the Indianapolis Public Transportation Corporation (IndyGo), establishing the appropriations for the purpose of defraying the expenses and all outstanding claims and obligations of said municipal corporation for 2015.

Becky Dixon, Chief Financial Officer, Indianapolis-Marion County Public Library, thanked the Council for their indulgence, and asked for their support of the library's budget this evening.

Cathy Burton, President, Marion County Alliance of Neighborhood Associations (MCANA), said that unlike some previous budget cycles, there have been very few problems this year with transparency and the understanding of data, and she thanked the Office of Finance and Management (OFM) for providing such good communication. She said that she has concerns about the Department of Public Works (DPW) taking over some Parks Department (DPR) functions, and the parks money and personnel seems to be all spread out with no clear protocol. With all the focus on crime prevention, DPR needs more resources to promote a better, safer quality of life for citizens and positive programs for this city's youth. She said that MCANA remains concerned about outsourcing certain functions of the Department of Metropolitan Development. While this may save some money in the beginning, it will in the long run cost more money and the city will lose experienced, knowledgeable personnel. She said that they need to work together to find a solution to the inmate healthcare issue. She said that they have some questions and concerns about the Indianapolis Metropolitan Police Department's (IMPD) budget, and their overtime costs; and the amount of time their officers spend on second jobs. She said that they have asked for a comprehensive list of the costs laid on the backs of taxpayers for economic development in this city, and hope it will be forthcoming. She said that they are confused about the recent tax hikes purported to support the Capital Improvement Board (CIB), and questions whether they were actually needed. She said that all government units need to work more openly and honestly with each other, because property tax caps and circuit breakers are here to stay, and squabbling over who gets what money does not serve the public good.

Larry Vaughn, citizen, said that it is too late to salvage this budget, but they need more people coming down to meetings commenting on actions this body takes. He said that they are getting ready to spend \$1.2 billion of taxpayers' money, and this room is empty. He said that a prayer vigil or fallen officer tribute is not the place to make the citizens' voices heard, and they need to come down and get involved in making this city better. This budget is an example of what happens when there is no participation by the public.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 275, 2014. Councillor Barth reported that the Rules and Public Policy Committee heard Proposal No. 275, 2014 on September 18, 2014. The proposal, sponsored by Councillor Lewis, amends the Code to conform the council's procedures on rezoning ordinances to state law changes made by SEA 174 (2014). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hunter said that he worked with Senator Miller in getting these changes made, and the issue has bi-partisan support.

Councillor Lutz said that he has concern about the language still in the ordinance regarding at-large positions, but he will vote to support the proposal.

Councillor Freeman said that this is a step in the right direction to comply with the law and get their house in order, even though earlier tonight, the counsel to the Council said that at least six times in the last three years they have not complied with the law because of precedent.

Councillor Mansfield said that she has concerns about where this will take them down the road. There may be occasions where the district Councillor does not truly represent the constituents, but their own agenda instead; or where something severely impacts an adjoining district, where that Councillor should have a voice. She said that she thinks, especially in light of the at-large positions being eliminated, that this needs to be revisited going forward. Councillor Hunter agreed that they need to look at it again, and the issue here was really with respect to special use variances. He said that he is open to looking at it and tweaking it further, as this is unique for Marion County as explained in the General Assembly.

Councillor Lutz asked if there is authority under the State statute for them to modify this to allow adjoining district Councillors to call something out for public hearing, as there was one case where a district Councillor had their own agenda and then did not succeed in getting re-elected because of it. Mr. Biesecker said that that if the intent of the General Assembly was to limit it to the district Councillor, he does not think they have the authority to make that change, and they would have to ask the General Assembly to make it.

Councillor Barth moved, seconded by Councillor McQuillen, for adoption. Proposal No. 275, 2014 was adopted on the following roll call vote; viz:

28 YEAS: Adamson, Barth, Cain, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty, Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley
0 NAYS:
1 ABSENT: Evans

Proposal No. 275, 2014 was retitled GENERAL ORDINANCE NO. 36, 2014, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 36, 2014

PROPOSAL FOR A GENERAL ORDINANCE amending the Code to conform the council's procedures on rezoning ordinances to state law changes made by SEA 174 (2014).

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sec. 151-74 of the "Revised Code of the Consolidated City and County," is hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 151-74. Introduction of proposals.

Proposals shall be introduced and presented to the city-county council only in the following manner: Under the proper item of business, the clerk shall read the proposal, stating only the number, reciting the title and stating the name of the person initiating the proposal. After each proposal is introduced, the president shall state the committee to which the proposal is referred or, if the proposal has been previously referred to a committee, the committee to which the referral was made. If, by law, a public hearing before the entire council is required, the public hearing shall be at the next regular meeting unless the president shall state another date for the public hearing. ~~If the proposal is for a rezoning ordinance, the approval of which by the metropolitan development commission has been certified to the clerk, the president shall inquire if any member moves that the proposal be set for public hearing before the entire city-county council; and if no such motion is adopted, the proposal shall be deemed adopted.~~

If the proposal is to change the zone maps incorporated by reference into the zoning ordinance under IC 36-7-4-608, and the metropolitan development commission has certified the proposal to the clerk under IC 36-7-4-605(c), the councillor in whose district the parcel of real property under consideration is located, or an at-large councillor, may move that the proposal be set for public hearing before the entire city-county council. If no such motion is made, or if the motion is not adopted by a majority vote of the council, then the decision of the metropolitan development commission shall be deemed affirmed.

SECTION 2. Sec. 151-79 of the "Revised Code of the Consolidated City and County," is hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 151-79. Special procedures for rezoning ordinances.

(a) *Application.* Proposals for changing the zone maps incorporated by reference into the Marion County zoning ordinance may be ~~amended or rejected only after the council holds~~ scheduled for a public hearing pursuant to IC 36-7-4-608. Whenever pursuant to IC 36-7-4-608 the council schedules such a public hearing, the rules set forth in this section shall apply.

(b) *Prehearing procedures.* After such public hearing is scheduled by vote of the council, a preliminary investigation shall proceed as follows:

- (1) The general counsel shall notify the administrator of the division of planning within two (2) days after a rezoning hearing is scheduled, and the administrator shall distribute in writing to all councillors and the general counsel the staff comments and any other information deemed by him or her relevant to the matter to be heard. Such materials shall be mailed or delivered at least seven (7) days prior to the hearing date.
- (2) Any interested party may distribute any relevant written materials to councillors, provided all such information is distributed to all councillors. Such materials will be distributed to councillors by the clerk's staff if thirty-five (35) copies are delivered at the staff conference provided in paragraph (3) of this subsection.
- (3) The general counsel shall conduct a preliminary staff conference on all rezoning petitions on the Wednesday immediately preceding the scheduled hearing beginning at 2:00 p.m. in the clerk's offices, unless the petitioners and remonstrators agree to a different time. The petitioners and any remonstrators each shall be represented at such conference by not more than two (2) persons for each side, one (1) of whom may be their attorney.
- (4) The purpose of the staff conference shall be to ensure agreement as to the procedures for the public hearing, to promote agreement on order of presentation, to list witnesses and exhibits, to narrow issues to be heard, and to consider compromises, which can be implemented by modifications of petitioners' commitments.
- (5) If the petitioners and remonstrators compromise their differences and advise the general counsel of such settlement prior to release of the preliminary agenda for the meeting at which such public hearing has been scheduled, the preliminary agenda shall indicate that a proposed settlement has been reached.

(c) *Action on prehearing settlements.* If the petitioners and remonstrators negotiate a compromise that can be implemented by petitioners' modification of commitments and such settlement is acceptable to the councillor who requested the public hearing, the petitioners shall file executed copies of the revised or additional commitments with the metropolitan development commission and the clerk of the council. If such commitments are filed prior to the commencement of the public hearing, it shall be in order to move for a vote on the rezoning proposal subject to the modified commitments without full public hearing. If such motion is made, any person still desiring to be heard shall have two (2) minutes each to explain why a full public hearing should still be held by the council. If that motion fails, the council shall proceed with the public hearing under this section, but if that motion is carried, the vote shall immediately be taken on the rezoning proposal subject to the modifications of commitments filed by petitioners.

(d) *Order of public hearings:*

- (1) Councillor requesting hearing (two (2) minutes);
- (2) Petitioners' presentation (twenty (20) minutes or less);
- (3) Remonstrators' presentation (twenty (20) minutes or less);

- (4) Public comment from any citizen who has an interest distinct from that represented by petitioners or remonstrators (two (2) minutes or less each);
- (5) Petitioners to close (remainder of twenty (20) minutes if any);
- (6) Remonstrators to close (remainder of twenty (20) minutes if any);
- (7) Council questioning and debate:
 - a. Each councillor has the floor only once for not more than two (2) minutes; and
 - b. All questions by councillors and the responses shall be counted within the time allocated in subparagraph a.;
- (8) Councillors requesting hearing have five (5) minutes to close debate; and
- (9) Hearing ends; petition is decided.

(e) *Time computation.* The petitioners and remonstrators each shall have twenty (20) minutes total per side for presentation and closing, which may be used at their discretion. All testimony, except public comment and questions by councillors and the response thereto, shall be treated as part of either the petitioners' or remonstrators' time whether or not called by a party.

(f) *Additional time requests.* If either party is of the opinion that the issues are sufficiently complex to justify additional time, such request shall be made at the staff conference and decided by the council prior to the hearing. No additional time shall be allowed after the hearing begins except by action suspending these rules.

(g) *Council vote.* After the public hearing on a proposal for a rezoning ordinance, by a vote of eighteen (18) of the members of the city-county council, the proposal decision of the metropolitan development commission is adopted or rejected as the case may be. Any vote of less than eighteen (18) shall be indecisive; and the proposal decision of the metropolitan development commission shall take effect ~~as adopted~~ pursuant to IC 36-7-4-608(c)(3) on the final action date (as extended).

SECTION 3. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor McQuillen stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillors Lutz and McHenry in memory of Holly Bartenbach; and
- (2) Councillor Pfisterer in memory of George Scott, Isaac Redmond, Jerry Percy and Keith Freeman; and
- (3) Councillor McHenry in memory of Juliana Grace Lapadat.

Councillor McQuillen moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Holly Bartenbach, George Scott, Isaac Redmond, Jerry Percy, Keith Freeman, and Juliana Grace Lapadat. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:01 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 22nd day of September, 2014.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.


President

ATTEST:


Clerk of the Council

(SEAL)